

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., September 8, 1992.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Councilman Ronnie C. Rice; Councilman W. D. Tharp; and Vice Mayor James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on August 25, 1992, were approved as mailed.

On motion by Councilman Tharp, seconded by Councilman Otey, voted upon and carried unanimously, the agenda was amended as follows:

Agenda Item: Presentation - Kart Race in Centertown -Mr. David Johnson, was postponed to the September 22 Council meeting.

Added to the agenda: Request to Block Street - Coolbrook Road Residents

Councilman Tharp gave a report on the status of the Joint Certification Program with the County of Bedford. Mr. Tharp stated that he attended a meeting with City officials and County officials regarding the joint certification process. Mr. Tharp stated that he believes the County and the City want to proceed with this process by development of multiple tracts of land because of the limited time frame:

January 1993 - time will expire on the certification process; however, the City and County can apply for a six months extension.

July 1993 - the program will expire in its entirety. The completed site has to be ready.

April 1993 - site visit by State officials.

Discussion ensued.

Mayor Shelton directed the Property Committee and the Finance Committee to meet and review the inventory of parcels, taking into consideration the development of the Route 122 North/South Connector. Mayor Shelton stated that it would be appropriate to have a called Council meeting to deal with only this issue once the committees have met and have a recommendation.

City Manager Gross stated that during the Council meeting of May 12, 1992, Council was presented with a proposed ordinance requiring the enforcing of fire lane designations. Following that meeting, City staff contacted the merchants and property owners who would be affected by the proposed ordinance to explain the ordinance and its consequences.

Mr. Gross indicated that the City Attorney, working with the Chief of Police, has revised the ordinance to provide the authority to enforce the Statewide Fire Prevention Code and any other fire prevention regulations of the City. The City building official or his representative shall be responsible for designating and approving the fire lanes. Mr. Gross stated that the ordinance prohibits parking in designated fire lanes on public or private property and gives the Police Department the authority to remove any vehicle illegally parked in a fire lane or within 15 feet of a fire hydrant. Mr. Gross stated that the proposed ordinance has been posted in accordance with Section 2-30 of the City Code.

Councilman Brookshier moved that Council waive the reading of the proposed ordinance as it has been properly posted. The motion was seconded by Councilman Tharp, voted upon and carried unanimously.

Councilwoman Grahame moved that the ordinance establishing fire lanes and fire department connections be adopted. The motion was seconded by Councilman Brookshier, voted upon and carried by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Shelton	aye

The ordinance follows as adopted:

An Ordinance Governing Establishment of Fire Lanes, Creating Penalties for Obstruction and Parking in Fire Lanes, and Providing for Removal of Parked Automobiles Under Certain Circumstances.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD:

Section 1. Article II Fire Prevention Code of Chapter 8 of the Bedford City Code is hereby amended and re-enacted as follows:

Sec. 8-7. Enforcement of Statewide Fire Prevention Code.

(a) The City of Bedford shall administer and enforce the Statewide Fire Prevention Code as adopted and promulgated by the applicable state agencies. Such additional fire prevention regulations, as are adopted by the City of Bedford which are more restrictive or more extensive in scope than the Statewide Fire Prevention Code shall be controlling, provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

(b) Terms used in this Article shall have the meaning ascribed to them in the Virginia State Fire Prevention Act, unless the context or subject matter requires otherwise.

Sec. 8-8. Enforcement authority.

It shall be the duty and responsibility of the City building official or the duly authorized representative or such official to administer and enforce the Statewide Fire Prevention Code and any other fire prevention regulations of the City. In enforcing the City of Bedford Fire Prevention Regulations and the Statewide Fire Prevention Code, the City Building Office shall have all powers authorized under the Statewide Fire Prevention Code.

Sec. 8-9. Permits and fee.

There shall be no fee for permits required by the fire prevention code. The term "permit" and "permit fee" as stated in the fire prevention code shall in no way relieve any one from obtaining the required building permits and payment of fees as required in Chapter 5 of the City Code.

Sec. 8-10. Board of Appeals.

Any appeals of a decision of the building official under the Statewide Fire Prevention Code or the City Fire Prevention Regulations shall be referred to the Building Board of Appeals as set forth in Section 5-13 of the City Code.

Sec. 8-11. Penalty for Violation.

Violations of the Statewide Fire Prevention Code and of any other City of Bedford fire regulations shall constitute Class One Misdemeanors. Each day that a violation continues shall be deemed a separate offense.

Sec. 8-12. Fire Lanes.

A. The Code Official shall require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

B. All fire lanes, including those required by the Code Official and any others designated by property owners, shall have a minimum width of 18 feet and shall be marked in a manner approved by the Building Code Official. All designated fire lanes, signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to insure adequate visibility.

Sec. 8-13. Obstruction of fire lanes.

It shall be unlawful for any person to obstruct a designated and marked fire lane on public or private property or to deface, remove, destroy or impair the usefulness of any posted firelane sign.

Section 2. Section 13-25 of the City Code is amended and re-enacted as follows:

Sec. 13-25. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall so park a vehicle within twenty (20) feet from the intersection or curb line or, if none, within fifteen (15) feet of the intersection of property lines;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
- (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing;
- (10) Upon a highway in front of a private driveway or within fifteen (15) feet in either direction of the entrance to a fire station, or within fifteen (15) feet of the entrance to a building housing rescue squad equipment or ambulances provided such buildings are plainly designated, nor within fifteen (15) feet of the intersection of property lines at the intersection of highways;
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (12) On the roadway side of any vehicle parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
- (14) At any place where official signs prohibit parking;
- (15) At any place designated as handicapped parking. Vehicles parking in these places must be designated as a handicapped vehicle by appropriate license plate or bumper sticker.
- (16) Within any area designated by the property owner or by the City as a fire lane on any public or private property and marked in accordance with the requirements of the city building official.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

Section 3. The following new sections are enacted and added as part of Chapter 13, Article II of the City Code:

Section 13-44. Authority to Remove Vehicles.

(a) Whenever a motor vehicle, trailer or semi-trailer involved in an accident is so located as to impede the orderly flow of traffic, the police may (i) at no cost to the owner or operator remove the motor vehicle, trailer or semi-trailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safe keeping.

(b) If a motor vehicle, trailer, semi-trailer, or parts thereof is illegally parked in a fire lane or within fifteen (15) feet of a fire hydrant, then the police may have the vehicle removed to a storage area for safe keeping.

(c) As soon as possible after such removal, the removal shall be reported to the owner of the motor vehicle, trailer or semi-trailer, to the chief of police, and to the Department of Motor Vehicles.

(d) Whenever a motor vehicle is removed to a storage area under this section, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and the cost of locating the owner.

Section 4. This ordinance shall become effective one week after publication in the Bedford Bulletin or after posting at three or more places in the City for one week pursuant to Section 19 of the City Charter.

The City Treasurer presented the annual report of uncollected real estate and personal property taxes for fiscal years 1988-89 through 1991-92.

The report follows as presented:

REAL ESTATE TAX STATUS AS OF SEPTEMBER 1, 1992:

PERCENTAGE

TAX YEAR ASSESSMENT UNCOLLECTED COLLECTED

1988-89 \$ 1,062,140.60 \$ 5,891.92 99.44%

1989-90 1,076,734.85 5,910.00 99.45%

1990-91 1,260,498.39 5,193.60 99.58%

1991-92 1,280,026.43 12,733.31 99.00%

PERSONAL PROPERTY TAX STATUS AS OF SEPTEMBER 1, 1992;

1988 601,605.37 1,814.61 99.70%

1989 650,107.12 3,718.50 99.43%

1990 715,138.83 3,505.55 99.50%

1991 749,176.76 3,560.45 99.52%

The City Manager stated that Council had received a proposed ordinance which readopts and reenacts Section 13-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation.

On motion by Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council waived the reading of the proposed ordinance readopting and reenacting code provisions dealing with traffic laws, as it had been properly posted in accordance with Section 2-30 of the City Code.

Councilman Tharp moved that the proposed ordinance be adopted. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously by the following roll call vote:

Councilwoman Grahame	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

The ordinance follows as adopted:

AN ORDINANCE TO READOPT AND REENACT SECTION 13.2 OF THE CITY CODE INCORPORATING BY REFERENCE CURRENT PROVISIONS OF THE CODE OF VIRGINIA DEALING WITH TRAFFIC LAWS AND MOTOR VEHICLE OPERATION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEDFORD, VIRGINIA:

Section 1. Sec. 13-2 of the City Code is hereby readopted and reenacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more public places in the City for one week, as required by Section 19 of the City Charter.

City Manager Gross made the following report:

As captive customers of Appalachian Power Company (APCO), a sister to seven other electric utility companies owned by American Electric Power, the city and six of the other Blue Ridge Power Agency members must make every reasonable effort to provide the least cost and most reliable power to their customers as possible. The lower cost can translate into the ability to attract new home buyers, businesses, and industry. Appalachian is directly exerting a "price squeeze" on Blue Ridge members in the fact that it sells to some of its retail industrial customers at lower rates than its wholesale rates and thus lower than the members' retail rates. Further, it continues to file rate cases at the Commission with unreasonable requests for increases to preserve and improve its stockholders' dividends at the expense of the Blue Ridge members' customers.

The City's goal is not to replace Appalachian as the City's primary supplier, but to bring them to the bargaining table to compete with other suppliers to keep their rates reasonable. In fact, it is envisioned that APCO will remain the supplier of the vast majority of the City's power needs well into the next decade. However, without an outside provider, the Blue Ridge members are powerless to continue to compete outside of what can be done at the Federal Energy Regulatory Commission rate filings. With the difference in regulating philosophy between the Commission's regulation of Blue Ridge members' wholesale rates and the Virginia State Corporation Commission's regulations of Appalachian retail rates, there will probably never be a level playing field. The potential savings are significant for the City.

It is recommended that Council allow the efforts of the Blue Ridge Power Agency to continue by approving the proposed resolution authorizing the City's continued participation in the Blue Ridge Power Agency's negotiations to secure peaking and base load power supplies and transmission agreements, to negotiate agreements and contracts with those suppliers, with Appalachian and with its members, acting as the City's power agency supply, conduct rate projection and feasibility study; and to secure staff as necessary to carry out the business of the Agency as needed but not more than two full-time equivalents and agreeing to fund the City's pro rata share of the cost of the same with the amount to be funded by a future appropriation. The city's of Danville and Salem, which will pay most of the cost for this project have already approved a resolution similar to the one Council has received. The rest of the Blue Ridge members are going to be considering a similar resolution within the next few weeks. The Electric Committee recommends that Council act favorably on the resolution.

The Clerk of Council read aloud the following proposed resolution:

A RESOLUTION AUTHORIZING THE CITY OF BEDFORD'S CONTINUED PARTICIPATION IN THE BLUE RIDGE POWER AGENCY'S NEGOTIATION OF A TRANSMISSION AGREEMENT WITH APPALACHIAN POWER COMPANY, AND NEGOTIATION OF POWER SUPPLY CONTRACTS

WHEREAS, Council of the City of Bedford, in concert with six other jurisdictions acting through the Blue Ridge Power Agency, believes it should make every reasonable effort to provide the least cost and most reliable power to their customers, and

WHEREAS, the City wishes to continue to participate in the effort by the Blue Ridge Power Agency to secure the Transmission Agreement and peaking, as well as base load power supply;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bedford, Virginia, that the Blue Ridge Power Agency be, and it is hereby, authorized to continue to negotiate a transmission agreement with Appalachian Power Company, subject to final approval by Council, and the City Manager is hereby authorized to continue as the

City's representative on the Blue Ridge Power Agency.

AND BE IT FURTHER RESOLVED that the Blue Ridge Power Agency be, and it is hereby, authorized, subject to final approval by City Council, to:

1. Negotiate power supply contracts with the Energy Exchange of Chicago, brokering for Cincinnati Gas & Electric, and Pentech Energy for base load and peaking power supplies;
2. Negotiate a Partial Requirements power supply contract with Appalachian Power Company;
3. Negotiate a contract between Blue Ridge Power Agency and the City to allow it to act as the City's power supply agent;
4. Conduct a wholesale rate projection and feasibility study to quantify overall benefits, with the City's share of the cost of the professional services for all of the foregoing not to exceed \$37,278.00.

AND BE IT FURTHER RESOLVED that the Blue Ridge Power Agency be, and it is hereby, authorized to secure staff as is necessary to carry out the business of that organization, but not to exceed the equivalent of two full-time employees, the cost of which the City will pay its pro rata share from funds to be appropriated at a later date.

Councilwoman Grahame moved that the resolution be adopted. The motion was seconded by Councilman Rice, voted upon and carried unanimously by the following roll call vote:

Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye

The City Manager stated that Council has received a request by residents of the lower end of Coolbrook Road to block the lower end and cul-de-sac area of the street between the hours of 5:00 p.m. and 9:00 p.m. on Saturday, September 19, for the purpose of holding a street party. Mr. Gross stated that the signatures of all affected property owners are included on the request letter. Provision will be made for ingress and egress by emergency vehicles, or as needed.

On motion by Vice Mayor Vest, seconded by Councilman Tharp, voted upon and carried unanimously, Council granted permission to block the lower end and the cul-de-sac area of Coolbrook Road from 5:00 p.m. to 9:00 p.m. on Saturday, September 19, 1992.

A brief discussion ensued regarding a proposed revised sewer use ordinance to be presented to Council at the September 22 Council meeting.

Mayor Shelton adjourned the meeting at 8:16 p.m.